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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,367	07/31/2000	Michael Casson Bailey	GB9-2000-0083-US1	4169

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EXAMINER

SHAH, NILESH R

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 03/24/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/628,367

Applicant(s)

BAILEY ET AL.

Examiner

Nilesh R Shah

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-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1- 18 are presented for examination.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtis et al (5,896,531) (hereinafter Curtis)
3. As per claim 1, Curtis teaches a method for progressively improving a fit of a pool of reusable environments to requirements of programs in a computer system, the method comprising steps of:  
  
providing a first environment for a first program (col. 9 lines 10-50)  
  
responsive to initiation of a second program, making a determination whether creation of a new environment is a best response (col. 5 line 45- col. 6 line 50)  
  
responsive to a determination that creation of a new environment is a best response, creating a new environment for the second program (col. 5 line 45- col. 6 line 50)

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responsive to a determination that creating a new environment is not a best response, testing the pool for a best fit environment (col. 5 line 45- col. 6 line 50) and

adding elements to the best fit environment to match requirements of the second program, unless the best fit environment already matches the requirements of the second program (col. 5 line 45- col. 6 line 50)

4. As per claim 2 Curtis teaches a method wherein at least one of the first, new and best fit environments is an execution environment (col. 5 line 45- col. 6 line 50)
5. As per claim 3, Curtis teaches a method wherein the execution environment is preinitialized (col. 3 line 43- col. 4 line 38)
6. As per claim 4, Curtis teaches a method wherein at least one of the first, new and best fit environments is eligible to be deleted (col. 5 line 45- col. 6 line 50, col. 7 line 20 –col. 8 line 50)
7. As per claim 5, Curtis teaches a method wherein at least one least recently used of the first, new and best fit environments is eligible to be deleted (col. 5 line 45- col. 6 line 50, col. 7 line 20 –col. 8 line 50)

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8. As per claim 6 Curtis teaches a method wherein the elements are parameters of at least one of the first, the new and the best fit environments (col. 5 line 45- col. 6 line 50)
9. As per claim 7, Curtis teaches a method wherein the step of responsive to initiation of a second program, making a determination whether creation of a new environment is a best response comprises testing whether the pool has reached a maximum size (fig. 5, col. 7 line 20 –col. 8 line 50)
10. As per claim 8, Curtis teaches a method wherein the step of responsive to a determination that the pool has reached its maximum size, testing the pool for a best fit environment comprises a programmatically alterable test (fig. 5, col. 7 line 20 –col. 8 line 50)
11. As per claim 9, Curtis teaches a computer program product, comprising computer program code tangibly embodied in a signal-bearing medium, for, when loaded into a computer system and executed, progressively improving a fit of a pool of reusable environments to requirements of programs in a computer system (col. 5 line 45- col. 6 line 50)
12. As per claim 10 Curtis teaches a computer program product wherein the signal bearing medium is at least one of a transmissive medium and a storage medium (col. 3 lines 10-65, fig. 5, col. 7 line 20 –col. 8 line 50)

13. Claims 11- 18 are rejected based on claims 1-8 respectfully.

*Response to Amendment*

14. Applicant arguments for claims 1-18 filed on 12/23/03 has been considered but they are not persuasive.

15. Applicant states Curtis does not disclose “determining whether to create a new environment”.

16. Curtis clearly teaches the option of determining if a new environment is needed (Fig. 5A element 454, col. 7 lines 24-31)

17. Applicant states Curtis does not disclose “testing a pool of reusable environment for a best fit environment”

18. Curtis clearly teaches the determining of the best fit environment (col. 5 lines 49-63)  
Curtis determines if the current environment is able to used again or if a new environment is needed.

19. Applicant states Curtis does not disclose “adding elements” to the environment.

20. Curtis clearly teaches adding NEW elements to the environment (col. 8 lines 12-13,)  
Curtis teaches the use of adding new objects to the object management environment.

21. Applicant states Curtis does not disclose “deleting of an environment”.
22. Curtis clearly teaches the use of deleting an environment to free up storage area (col. 6 lines 24-28). Curtis states the IF the OME is not reusable OR the OMG should not be kept OR maintained the process is deleted.
23. Applicant states Curtis does not disclose “parameters”.
24. Curtis clearly teaches the use of parameters associated with environments (col. 4 lines 44-56, col. 5 lines 60-63, col. 10 lines 7-9)
25. Applicant states Curtis does not provide a maximum size.
26. Curtis clearly teaches the use of a maximum size (col. 7 lines 337-42) If a pool is not empty then it has reaches its maximum limit and can't take addition tasks.

### *Conclusion*

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the

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event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh R Shah whose telephone number is 703-305-8105. The examiner can normally be reached on Monday-Friday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 16, 2004  
NS

  
MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
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